

Exhibit 16



Deposition of:
September 2, 2021 4:00 Public Hearing

September 2, 2021

In the Matter of:
**Permanent Legislative Committee On
Reapportionment Public Hearings**

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1 Permanent Legislative Committee
2 On Reapportionment Public Hearings
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5 Held via Zoom Video Conference

6 And on location at:

7 Lawson State Community College

8 4:00 p.m.

9 September 2, 2021
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14 Commissioner:

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16 Lisa Bailey

17 Certified Court Reporter

18 ACCR #289
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2 (Proceedings began, 4:03 p.m.)

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4 SENATOR MCCLENDON: I'm Jim McClendon,
5 and I'm Senate Chairman of the Redistricting
6 and Reapportionment Committee. On my right is
7 Chris Pringle. Chris is the House Chairman of
8 Redistricting. And on my left is Dorman
9 Walker, who is the hearing officer. He's an
10 attorney and he works for this committee. It
11 just happens we also have with us here at the
12 state house in Montgomery, Senator Steve
13 Livingston and Senator Bobby Singleton are
14 sitting in with this.

15 I would ask each of you that are coming
16 in remotely to please mute your microphones.
17 Mute your mics and turn off your cameras.
18 Somebody has already told you to turn off the
19 cameras because a bunch of them are off.
20 Thank you very much. What happens with the
21 mics, when the mics are on, we find we get a
22 very aggravating echo.

23 So the purpose of public hearings
24 dealing with redistricting is to get your
25 input into the process of redrawing maps for

1 the congressional districts, the State Senate
2 districts, the state House of Representative
3 districts, and the State Board of Education
4 districts. This committee's responsibility is
5 to have something prepared for when we expect
6 the governor to call a special session --
7 perhaps in October but that's up to the
8 governor -- at which time bills will be filed
9 that will go through the normal legislative
10 process just like any other piece of
11 legislation. Hopefully go through the house,
12 the senate, and over to the governor so that
13 we will have the new districts ready for the
14 primaries May 24th of 2022.

15 Now, the reason we do this is to try to
16 maintain the One-person, One-vote ratio in all
17 of our districts, or close to that. These
18 districts change over a ten-year period, the
19 last time we did a census. People move.
20 Population of districts go down and some
21 districts go up. And we have to go in and
22 adjust the geography of the district in order
23 to capture the appropriate number of people
24 that live there to stay with the One-person,
25 One-vote. Let me give you some examples of

1 what we're having to work with.

2 Let's take the senate districts that are
3 in your area. And I'll go over changes that
4 have been made there, changes in populations
5 that have been made and that this committee
6 will have to deal with. And we're getting
7 your input on how to make changes.

8 Now, first, let me tell you an ideal
9 senate size population in the next -- on the
10 new maps we're drawing will be 143,551 people.

11 So that's what we're looking at. Now, we can
12 go plus or minus 5 percent. We do have that
13 latitude. And we can do the same thing with
14 the house district and same thing with the
15 State Board of Education districts. However,
16 the congressional districts have to be
17 essentially zero deviation.

18 So let's first look at Senate District
19 5, which has in fact lost 4,500 people over
20 the last ten years. I'm going to drop down to
21 15, Senate District 15, which has gained
22 11,800 roughly, a very substantial gain. And
23 there will have to be changes made to that
24 district to get it back where it needs to be.
25 District 16 has gained 3,370, and District 17

1 has about 1300 increase. And then that brings
2 us to District 18 who has lost 7,000 people.
3 District 19, it was a loss of 13,700
4 approximately. And in District 20, there was
5 a loss of population of about 11,600. So
6 those are significant changes which puts them
7 outside the deviation. So changes are going
8 to have to be made to the way those districts
9 appear, the geographic area, and the number of
10 people they capture.

11 So let's take a look then at some house
12 districts. We have quite a few in this area.
13 I'll start out with House District 14 lost
14 4,400. And the district next to it, District
15 15, gained 5,000. So you can see how that
16 line is going to have to be adjusted.
17 District 16 lost 2,600. These numbers -- I'm
18 kind of rounding them off, but they're close
19 enough for you to see the trends in any
20 district. District 44 gained 2,700. 45
21 gained about 3,000 people. 46 gained about
22 2500 people. 47, District 47, lost 465.
23 District 48 gained 5,400. District 51 gained
24 641. 54 lost 3,000. 55 lost 6800. District
25 56 picked up 2,000. District 57 went down by

1 4,900. 58 went down by 3,000. 59 went down
2 by 6,000. And 60 went down by about 4,300.
3 So you can look at these numbers, and none of
4 these districts stayed exactly the same. Any
5 district that had an increase in population
6 enough to get them outside the allowed
7 deviation, we're going to have to adjust that
8 district down in size. The geographic area
9 will be -- districts that have lost population
10 that are outside that plus or minus 5 percent,
11 we'll have to increase the size of that or
12 capture some people.

13 Now, it is my pleasure to turn this
14 over, the next step, giving this to
15 Representative Chris Pringle, who is the House
16 Co-Chair of redistricting and reapportionment.

17 Chris.

18 STATE REPRESENTATIVE PRINGLE: Thank
19 you, Senator. Again, my name is Chris
20 Pringle. I represent House District 101 in
21 Mobile, Alabama. I'd like to welcome you.

22 We will call the people who have signed
23 up to speak in the order that they signed up.
24 You'll be limited to three minutes. If we
25 have time at the end and you have more to say,

1 we'll allow you to come back up and speak.
2 When you're called, please come to the
3 microphone, state your name and the community
4 you represent, and the district, or districts,
5 you want to talk about. If you are
6 participating remotely, send us your questions
7 and we'll read them into the record and answer
8 them.

9 This hearing is being transcribed by a
10 court reporter working remotely. If you have
11 something you'd like to introduce into the
12 record as an exhibit, bring it to the
13 microphone when you speak and let the hearing
14 officer know. He will get it to us, and it
15 will be permanently attached to the record.
16 It will be put into the record permanently.

17 I'd like to remind you today's hearing
18 is strictly on the issue of redistricting, and
19 we are not here to discuss any other issue
20 pending before the legislature. Thank you.

21 And, Mr. Walker, your turn.

22 MR. WALKER: Hello, again, I'm Dorman
23 Walker. I'm the hearing officer for this
24 hearing.

25 Some administrative matters first. Will

1 whomever is in charge of the Lawson State side
2 e-mail to us, please, the sign-in sheet? The
3 e-mail address is Donna, D-O-N-N-A, dot,
4 Overton, O-V-E-R-T-O-N, at alsenate dot gov,
5 so we know who to -- who to call on.

6 There we go. Thank you.

7 In addition, if there are any members of
8 the media covering the hearing, we like to
9 keep track of media coverage of these
10 hearings. If you care to identify yourself,
11 we'd like to know who you are. Anybody in the
12 media there at the auditorium?

13 Could you identify your station or come
14 to the mic, please? Thank you, sir.

15 MR. MICHAELS: Ryan Michael from the
16 Birmingham Times.

17 MR. WALKER: Thank you very much,
18 Mr. Michaels. And am I coming through clear?
19 There was a complaint earlier about the
20 microphone. Is this okay?

21 All right. The legislative can't just
22 draw districts any particular way. It's done
23 by both the constitution and law and by the
24 guidelines that it itself adopts. The first
25 of these requirements that binds the

1 legislature is, of course, the federal
2 Constitution, in particular the Equal
3 Protection Clause, and in addition to that, in
4 the context of redistricting, Section 2 of the
5 Voting Rights Act, which is the workhorse
6 section of the Voting Rights Act, and forbids
7 discrimination and vote dilution. And both of
8 those prohibitions apply to redistricting.

9 So all districts have to comply with the
10 Equal Protection Clause and with Section 2 of
11 the Voting Rights Act. With regard to
12 population, of course, the goal, as you've
13 heard, of redistricting is to equalize the
14 population of districts following demographic
15 changes that occurred over the last ten years
16 since the last census. Congressional
17 districts in most cases, including Alabama,
18 can have minimal deviation. We could have a
19 greater deviation in the other districts, the
20 House District, the Senate District, and the
21 State Board of Education districts. So the
22 ideal population is the concept about you'd
23 take the state population and divide it by the
24 number of districts that you have.

25 For example, in the house, 105 house

1 districts divided into the new state
2 population of a little bit over \$5 million --
3 I mean, 5 million people gives you the 47 and
4 whatever ideal population. And we can vary
5 from that when we draw districts by 5 percent
6 above or 5 percent below that ideal
7 population. And that variance gives the --
8 gives the legislature some flexibility to
9 differ populations among districts so that it
10 can keep counties whole, so it can respect
11 jurisdictions and communities of interest and
12 accomplish other interests that are
13 represented in the race-neutral criteria that
14 it has.

15 And districting is done in accordance
16 with the race crucial -- race-neutral, excuse
17 me, criteria with the exception that at times
18 the district -- the redistricting may look at
19 racial criteria as required to fulfill the
20 State's obligations under Section 2 of the
21 Voting Rights Act. And that would be when
22 there is a strong basis of evidence to believe
23 there is -- weren't for such a race-based
24 choice. Strong basis of evidence exists when
25 there's evidence -- good reason to believe

1 that race must be considered in order to
2 satisfy the State's obligations under the
3 Voting Rights Act.

4 Districts have to be reasonably compact,
5 and we try to put as few counties into a
6 district as possible for that purpose.

7 Districts have been to be contiguous, which
8 means all parts of one district must be in
9 contact with either the outer borders of the
10 state or other districts. Contiguity is
11 allowed across border. For example, if you --
12 if your county is divided by a river or lake
13 or by Mobile Bay, you can have contiguity
14 across that. Point-to-point does not count as
15 contiguity, but that's less an issue with
16 legislative districts. Districts are drawn to
17 total population. The Census Bureau reports
18 population in many different ways. We can get
19 population, total population, which is simply
20 everybody who was in the state -- thank you --
21 on April 1 and regardless of whether they can
22 vote or not. We can get voting age population
23 which is 18 plus. We can get CVAP, which is
24 citizen voting age population, which really
25 comes from a different source than the census.

1 And we can get population broken down by all
2 sorts of demographic standards.

3 For redistricting we typically use just
4 voting age population -- total population,
5 although voting age population may be used at
6 time to comply with the State's obligations
7 under the Voting Rights Act. Other
8 requirements are that there must be 35 senate
9 districts and 105 house districts. All of
10 those districts are single member districts.
11 That is, each district elects a single
12 representative or Senator.

13 When drawing districts, contests between
14 incumbents are avoided. And the cores of
15 existing districts are to be respected and
16 protected to the extent possible. Districts
17 also shall respect communities of interest,
18 neighborhoods, and political subdivisions to
19 the extent practicable. A "community of
20 interest" is defined as an area with
21 recognized similarities of interest including
22 but not limited to ethnic, racial, economic,
23 tribal, social, geographic, and historical
24 identities. The term "communities of
25 interest" may under some circumstances include

1 political subdivisions such as counties,
2 voting precincts, municipalities, tribal
3 lands, reservations, and school districts.

4 The discernment weighing and balancing
5 of the varied factors that contribute to
6 communities of interest is an intensely
7 political process best carried out by the
8 elected representatives of the people.

9 Having gone over those rules, I'm now
10 going to call on people to talk. I'll call
11 first on everybody who signed up to talk. And
12 I'll see if there's anybody else in the
13 auditorium who wants to talk. And then I'll
14 see if we have any e-mail questions from the
15 people who are participating in the hearing
16 virtually. And then, finally, I'll ask again
17 if there's anybody in the auditorium who wants
18 to speak.

19 First, we have David Russell who wants
20 to speak on looks like all of the districts.

21 Mr. Russell, would you please come to
22 the podium.

23 MR. RUSSELL: First of all, let me say
24 good afternoon to everyone. I think this is
25 the most crucial time of an election. This is

1 the redistricting part. This is why we
2 determine who can be representing us in our
3 district.

4 I really have three concerns -- I really
5 have three concerns. My first concern is that
6 we shouldn't -- in Jefferson County, for
7 example, I think Jefferson County surrounds
8 themselves when they represent their House of
9 Representative and their Senate. They go
10 outside the county and bring in -- bring in
11 voters or bring in citizens. I wish that
12 Jefferson County could stay within the bound
13 area of Jefferson County, not go out to the
14 nearest next county for them in order to get
15 the number that they need.

16 My second question would be is that I
17 wish that each senator would have three house
18 members instead of having the house members
19 divided among all. Some senators will have
20 four or five house members. Back in the day,
21 that one senator would have three house
22 members would make up that particular
23 district. Therefore, you would have to go
24 into the other part of the county to pick up
25 additional people.

1 And this might be a little contrary to
2 what we're here today to do. You know that
3 in -- in the State of Alabama we have two
4 school board districts. Now, we have no one
5 of minority have ever -- I shouldn't say
6 ever -- cannot win statewide in the way the
7 system is set up. When we look at the supreme
8 court, I think we should relook at the supreme
9 court and have the supreme court to run an
10 eight district -- we have eight districts and
11 the presiding president of the supreme court
12 run statewide. And I wish that would also
13 apply to the public service commission. That
14 means that if we do it that way, we have two
15 African-Americans on the school board. That
16 means we would pick up two African-Americans
17 on the public service commission, and we would
18 pick up two African-Americans on the supreme
19 court.

20 Those are my basic concerns that I have
21 today. Thank you very much.

22 MR. WALKER: Thank you very much,
23 Mr. Russell. Of course, the scope of the
24 hearing today is on legislative redistricting.
25 This committee can't do anything about the

1 composition or how we elect members to the
2 public service commission or to the supreme
3 court. But thank you for your comments on
4 those points.

5 MR. RUSSELL: Thank you.

6 MR. WALKER: Next we have Pat Dewees.
7 Good afternoon, sir.

8 Did I -- would you state your name
9 correctly for the record? I may have
10 mispronounced it.

11 MR. DEWEES: You pronounced it
12 correctly.

13 MR. WALKER: Okay. Thank you.

14 MR. DEWEES: I'm -- I live in Cahaba
15 Heights, which is in the Sixth Congressional
16 District for the record. I propose that -- I
17 propose that a congressional district
18 containing all of Jefferson County be drawn.
19 According to the 2020 census, the State of
20 Alabama has a population of 5,024,279. That,
21 when divided by seven, is 717,754, which is
22 43,033 more than the 2020 census population of
23 Jefferson County. One of Alabama's seven
24 congressional districts should include all of
25 Jefferson County and about 43,000 from an

1 adjacent county. Shelby County would be the
2 most appropriate county for that -- for this
3 purpose since it is more typical of the
4 Birmingham metro area than any of the other
5 counties adjoining Jefferson County.

6 Metro Birmingham has been divided
7 between two congressional districts for 30
8 years. This was done to create a majority
9 black congressional district. I certainly
10 understand a need for such a district in
11 Alabama. However, a mostly black district
12 could be -- could likely be maintained by
13 extending the current Seventh Congressional
14 District further south and/or further east.
15 Throughout the county, urban areas have had
16 different voting patterns than rural areas --
17 I mean, throughout the country, urban areas
18 have had different voting area than rural
19 areas. Alabama is no exception.

20 I would also say the Birmingham area is
21 not only different from rural areas, but it is
22 also different than the other major metro
23 areas in the state. The Birmingham area is
24 different from most of Alabama in its culture,
25 politics, value, history, and demographics.

1 Thus, it is no surprise that the
2 powers-that-be want Birmingham divided in
3 representation. Gerrymandering has been a
4 thorn in the side of politics ever since
5 Massachusetts Governor Elbridge Gerry coined
6 the phrase in 1812 upon seeing his
7 congressional district which resembled a
8 salamander.

9 The Birmingham area needs a unified
10 voice in Congress. Based on what I know about
11 politics, this Birmingham-based district would
12 be a competitive one. Having a competitive
13 congressional election in Alabama, even if it
14 is just one, would make Alabama politics
15 healthier.

16 Thank you. That's the balance of my
17 time.

18 MR. WALKER: Thank you, Mr. Dewees.
19 You'll be glad to know that the League of
20 Women Voters has prepared a plan that does
21 create a district that is mostly Jefferson
22 County in terms of population, although it is
23 not Shelby County as you would prefer. It is
24 Bibb, Hale, and Perry County. And we'll see
25 where that plan goes.

1 Thank you for your comments.

2 SENATOR SINGLETON: Mr. Chairman, if you
3 would, I would like to go on record to say
4 that I will be introducing that plan on behalf
5 of the League of Women Voters.

6 MR. WALKER: Senator Singleton says he
7 will be introducing that plan on behalf of the
8 League of Women Voters.

9 So thank you, sir.

10 Next up we have Dana Echols (sic).

11 MS. ELLIS: Good afternoon. Clearly my
12 handwriting is not very good. My name is Dana
13 Ellis.

14 MR. WALKER: Oh, sorry.

15 MS. ELLIS: That's quite all right. I'm
16 the -- I live here in Jefferson County. And
17 I'm the President of the League of Women
18 Voters of Greater Birmingham. So it's
19 interesting that you've researched the map. I
20 know you have seen it. I will not spend a lot
21 of time on it. But I wanted to explain why I
22 feel strongly that counties should be
23 considered a community of interest.

24 I've lived in Jefferson County since
25 1980. I love this area. My house where I

1 live, I reside in District Seven. Where I
2 worked before I retired, where my son went to
3 school, shoot, where I do my grocery shopping,
4 is all in District Seven. The way the current
5 map is drawn, which is that ugly finger
6 sticking up into Jefferson County, has created
7 that problem for me. It's the responsibility
8 of your committee to ensure the communities of
9 interest are maintained intact and that all
10 communities are fairly represented.

11 The current map demonstrates
12 gerrymandering, as the person before me spoke,
13 where the many African American voters are
14 packed into one district, District Seven.
15 This racial gerrymandering is the reason that
16 Jefferson County is split into two districts.
17 This packing also serves to weaken minority
18 voting influence in other districts. So it is
19 possible to correct the errors of the past.
20 We submit again the proposal you've already
21 seen from the League of Women Voters. It
22 respects county lines making it easier for
23 voters to understand where their district is.
24 In addition, it creates two districts that
25 provide black citizens an equal opportunity to

1 elect candidates of their choice.

2 I won't talk any further. Thank you for
3 your time.

4 MR. WALKER: Thank you very much,
5 Ms. Ellis.

6 Roger Smitherman, Senate District 18, is
7 signed up to speak next.

8 Senator Smitherman.

9 SENATOR SMITHERMAN: How are you doing?

10 MR. WALKER: Hello, sir.

11 SENATOR SMITHERMAN: Hey, how are you
12 doing?

13 Good. I wanted to extend that
14 conversation a little more to let my citizens
15 here know that I'm actually a member of the
16 committee that's sitting there. I just happen
17 not to be there. But I will be down when we
18 meet in Montgomery. I just want everyone to
19 be aware of it.

20 I first wanted to say that Senator
21 Singleton, if you hear me, I appreciate you
22 doing that. I'll be your first co-sponsor on
23 that. I arise first to support what the lady
24 said from the League of Women Voters. We
25 definitely want our county to be whole. I

1 just want to make clear. We want it to be
2 whole. In fact, if you look at that map,
3 it's -- that's 2011. We understand it's
4 behind us. But if you look at that map, the
5 congressional map, there are very few counties
6 that are split. And Jefferson County is the
7 main one that's the case. So I think that
8 what you see proposed to you is a map that
9 would keep us whole and keep us whole in the
10 county. And so that I hope that we look at
11 the objective and goal as we go forward as the
12 committee because there is an opportunity to
13 do that. The framework has been presented.

14 The second thing is I appreciate you
15 addressing those numbers even though I have
16 the paper, Mr. Chairman, Senator McClendon. I
17 appreciate that. What that shows, though, is
18 that there is a need for us to move out -- you
19 all can get me straight on the numbers. I'm
20 going to call a former senator, and you all
21 tell me what that number is because I don't
22 have that roster here. But the former Senator
23 Cam Ward, is that 15? Is that Senate District
24 15? Can anybody on the committee share that
25 with me?

1 MR. WALKER: 14.

2 SENATOR SMITHERMAN: 14, thank you. I
3 think that with the -- we have two districts
4 that are jutting into Jefferson County, or
5 partially, really not majorly. And I think
6 that if the one -- because Shelby County -- I
7 didn't analyze the numbers, but I've got
8 enough common sense to know Shelby County is
9 growing. And if the one that's coming out of
10 Shelby County, if it's backed back into Shelby
11 County, those citizens that they're reaching
12 in to get will make up these numbers that we
13 may need to adjust in the areas where we've
14 lost.

15 So I think it's pretty similar to help
16 us, to keep us whole where we may or may not
17 have to have one. And I think our majority
18 leader, without having to call names, I think
19 that district probably would need to stay
20 because we've got to have one to take up that
21 access or either bring in whatever may be
22 necessary if that's the case. But I think
23 that would solve that problem considerably.
24 And I would hope that we would look to those
25 ends as we look at those numbers and look at

1 the goals in which is stated to keep the
2 counties as whole as possible to be able to do
3 that.

4 One good thing I will say about the
5 minority districts in particular in Jefferson
6 County is that we are located inside of the
7 county. So we -- you know, just a matter of
8 us being able to move out to where we need to
9 pick up the necessary population. I will say
10 that -- I appreciate you all being here and
11 having the hearing. And as I said earlier, I
12 look forward to seeing you in our hearing in
13 Montgomery. And of course I look for when we
14 -- it's obvious we're going to have to come
15 down in special session.

16 So I look forward to working with you
17 all as we move forward. Thank you all very
18 much.

19 MR. SINGLETON: Mr. Chairman, if you
20 would, I would like to say to my senior member
21 of the committee, the ranking member, ranking
22 minority member, I will yield to you to allow
23 you to file that on behalf of Jefferson
24 County.

25 SENATOR SMITHERMAN: All right. We'll

1 work together hand in hand, and as we will
2 with the committee and with the majority, to
3 try to come up with a district that will
4 represent Alabama all the way around.

5 Thank you all very much.

6 MR. WALKER: Thank you.

7 Thank you, Senator Smitherman.

8 Is there anyone else in the auditorium
9 who wishes to speak at this time?

10 All right. We have one question which
11 is about whether or not these hearings are
12 being recorded. Initially, the hearings were
13 recorded because we had a problem with the
14 court reporter and to assist the court
15 reporter. But the official record of the
16 hearings is the transcripts that are being
17 prepared, not recordings of the hearings.
18 And, henceforth, so long as we have a court
19 reporter present, the hearings are not
20 recorded.

21 Sir, do you have -- wish to speak?

22 MR. MILLER: Yes.

23 MR. WALKER: Would you state your name
24 for the record, please?

25 MR. MILLER: Yes. My name is Michael

1 Miller.

2 MR. WALKER: Thank you.

3 MR. MILLER: First, let me start by
4 saying that I agree with Senator Smitherman
5 when he says that the county needs to be kept
6 whole when we talk about our state, state
7 representatives, and state senators.
8 Jefferson County being the largest county, we
9 know that with our current population we can
10 support 4.7 state senate seats. So that means
11 we're going to have to go outside of our
12 district -- outside of our county in order to
13 be able to compose that fifth complete
14 district. So what that means right now, we
15 have three minority senators that's elected
16 from wholly inside of Jefferson County. So
17 that means that we'll have at least two other
18 districts, one of which that's going to have
19 to be drawn from outside and bring in voters
20 and residents from outside of Jefferson County
21 in order to make that district.

22 Now, with that being said, that gives
23 Jefferson County a chance to have some control
24 instead of having others voted in from outside
25 that have no stake in Jefferson County in

1 order to be able to take away our local
2 rights, to be able to get with our local
3 elected officials in terms of our state
4 senators and house members.

5 Now, with that being said, let me move
6 on to the map of our congressional districts.
7 I completely disagree with having a map drawn
8 that includes whole counties simply because
9 African Americans in that vote -- in a
10 district or districts like that, African
11 Americans would not have control of their own
12 destiny. We would be at the control and the
13 destiny of others hoping that the communities
14 of interest come together and vote.

15 So with that being said, we have our own
16 maps that we've drawn. And we're going to
17 submit those maps with the proper sponsorships
18 and get those maps in because we believe that
19 a fair amount with African Americans making up
20 25 -- 27.2 percent of this statement, we only
21 represent 14 percent of the congressional
22 seats. So in order to bring us up to the
23 20 -- to bring us up to that quarter percent
24 that we represent or more of this state, we
25 need to have two of those house seats. And

1 the only way we can do that is to draw seats
2 that make sense that have blacks as the
3 majority population as well as the majority of
4 the voting age population. And than can be
5 accomplished by simply sitting down and
6 looking at maps and drawing maps that favor
7 those in the district. Thank you.

8 MR. WALKER: Thank you. Sir, you
9 mentioned that -- I think if I understood -- I
10 don't want to put words in your mouth -- you
11 are a member of a group that has prepared
12 maps. Do you want to say who the group is or
13 not at this point?

14 MR. MILLER: Alabama Election Protection
15 Network.

16 MR. WALKER: Alabama Election Protection
17 Network. Thank you very much.

18 MR. MILLER: Thank you.

19 MR. WALKER: Anyone else at the
20 auditorium who wishes to speak?

21 We have some questions from the virtual
22 attendees, and we'll hear those now.

23 MS. OVERTON: From Selene Washington,
24 she said, The Reapportionment Committee
25 redistricting guidelines say congressional

1 districts shall have minimum population
2 deviation. I heard you say one person and
3 zero person, no deviation. You also mentioned
4 a supreme court ruling. What is the correct
5 deviation allowed for the congressional
6 districts?

7 MR. WALKER: In most cases,
8 congressional districts are supposed to have
9 minimum deviation. There are circumstances
10 that are fairly unique in which the supreme
11 court has approved larger deviations. I don't
12 believe that those apply, myself, in Alabama.
13 I know that the plan submitted by the League
14 of Women Voters does have a larger than usual
15 congressional delegation -- deviation. And I
16 think that's probably an issue that we'll have
17 to look at more carefully is whether or not we
18 believe that's in accordance with the law.
19 Right now I would say I don't think it is.

20 But let me say that the League of Women
21 Voters is represented by some very fine
22 attorneys. I'm sure they've done their
23 homework and have a good argument.

24 MS. OVERTON: Chris Mosely in
25 Birmingham. What is the baseline number of

1 persons being considered for a house district?

2 In other words, Senator McClendon, you
3 mentioned that the ideal senate district is
4 143,551 plus or minus 5 percent, but you did
5 not state what the number is for the house
6 district.

7 MR. WALKER: The ideal house district is
8 47,850. And a house district can be populated
9 up to 5 percent above or below that figure and
10 be acceptable.

11 Any others?

12 MS. OVERTON: Yes. A comment coming
13 from Karen Stanley, Urban and rural areas have
14 very different needs. Stop gerrymandering in
15 Birmingham and in Huntsville.

16 MR. WALKER: Anything else? All right.

17 Is there anyone at Lawson State, one
18 last chance, who wishes to speak.

19 Thank you very much for coming today.
20 This hearing is closed.

21 There will be a transcript made of this
22 hearing that will be posted in approximately
23 two weeks on the site, on the web site for the
24 reapportionment committee. I appreciate your
25 attending today and for your comments.

1 Thank you.

2 (End of proceedings, 4:41 p.m.)

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C E R T I F I C A T E

STATE OF ALABAMA)

JEFFERSON COUNTY)

I hereby certify that the above and foregoing deposition was taken down by me in stenotype, and the questions and answers thereto were reduced to computer print under my Supervision, and that the foregoing represents a true and correct transcript of the deposition given by said witness upon said hearing.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.



Lisa Bailey, CCR #289

CCR #289, Expires 9/30/21

Commissioner for the

State of Alabama at Large

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Alabama Rules of Civil Procedure
Part V. Depositions and Discovery

Rule 30

(e) Submission to witness; changes; signing. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within thirty (30) days of its submission to the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the

court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(F) Certification and filing by officer; exhibits; copies; notice of filing.

(1) The officer shall certify on the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness. Unless otherwise ordered by the court, the officer shall then securely seal the deposition in an envelope indorsed with the title of the action and marked "Deposition of [here insert name of witness]" and shall promptly file it with the court in which the action is pending or send it by registered or certified mail to the clerk thereof for filing.

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